

CPS Bedfordshire

Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Bedfordshire and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* assessments; and by assessment under the criteria and indicators of good performance set out in the Overall Performance Assessment (OPA) Framework, which is available to all Areas.

The OPA has been arrived at by rating the Area's performance within each category as either 'Excellent' (level 4), 'Good' (level 3), 'Fair' (level 2) or 'Poor' (level 1) in accordance with the criteria outlined in the Framework.

The inspectorate uses a rule-driven deterministic model for assessment, which is designed to give pre-eminence to the ratings for 'critical' aspects of work as drivers for the final overall performance level. Assessments for the critical aspects are overlaid by ratings in relation to the other defining aspects, in order to arrive at the OPA.

The table at page 6 shows the Area performance in each category.

An OPA is not a full inspection and differs from traditional inspection activity. While it is designed to set out comprehensively the positive aspects of performance and those requiring improvement, it intentionally avoids being a detailed analysis of the processes underpinning performance. That sort of detailed examination will, when necessary, be part of the tailored programme of inspection activity.

B. AREA DESCRIPTION AND CASELOAD

CPS Bedfordshire serves the area covered by the Bedfordshire Police. It has one office, at Luton where the Trials Unit (TU) and the Area Headquarters (Secretariat) is based. The Criminal Justice Unit (CJU) is co-located with the police at Luton and Bedford.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The CJU handles cases dealt with in the magistrates' courts. The TU handles cases dealt with in the Crown Court.

During the year 2004-05, the average Area number of staff in post was 54.06 full-time equivalents.

Details of the Area's caseload in the year to 31 March 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	1,018	6.9	20.9
Advice	796	5.4	5.1
Summary offences	7,551	51.4	46.9
Either way and indictable only	5,167	35.2	26.7
Other proceedings	150	1.0	0.4
TOTAL	14,682	100%	100%

C. SUMMARY OF JUDGMENTS

CPS Bedfordshire was inspected in February 2004. Over the two previous years there had been a series of temporary Area Business Managers (ABM) which resulted in a dilution of established practice particularly with regard to business planning and the efficiency of office procedures. The new, permanent ABM was appointed in February 2004. Resources were tight and this can cause lack of flexibility in a small Area. Work in the magistrates' courts was severely affected by the closure for refurbishment of the main magistrates' court at Luton from July 2004 to February 2005. All trials were dealt with at Bedford Magistrates' Court resulting in the disruption of established practices (in particular the suspension of the Effective Trials Management Project (ETMP)), considerable over-listing of cases and delays.

The follow-up inspection in February 2005 indicated that little progress had been made on many of the recommendations and aspects for improvement in our original report. The ABM position is now stable and Luton Magistrates' Court is open again. An increase in caseload in recent times has led to a significant increase in budget for the financial year 2005-06; the first increase in three years, enabling an increase in staffing levels. This has enabled the Area to be more optimistic about the future and to implement, reinvigorate, or reintroduce national initiatives. Despite some poor assessments in this report, the indications are that CPS Bedfordshire could now turn a corner and has every opportunity to improve.

The shadow charging scheme was introduced in part of the Area in April 2003. Coverage in the rest of the county was only achieved during 2005-06. There is limited evidence that the Area has realised the potential benefits of the scheme or that all appropriate lessons were learnt before the extension to the whole Area.

Area casework shows a wide variation in performance between the magistrates' courts and the Crown Court. Extensive joint analysis is carried out to understand the reasons for poor outcomes in the magistrates' courts but effective remedial work has been slow. Joint processes in the Crown Court are firmer and outcomes generally satisfactory. The use, management and monitoring of the case management system needs considerable attention to help the effectiveness of processes. Such improvement would also facilitate better management of performance.

A number of examples of good joint work, particularly with the police, is evident in the attempt to improve outcomes and there is regular data sharing and joint analysis, but this has not yet been effective in improving all key results. Until recently the Chief Crown Prosecutor (CCP) has chaired and driven the Local Criminal Justice Board (LCJB). Performance fell well short of some key Area targets and some outcomes show a decline over previous years. Although the LCJB was supported by a performance group, (now the Delivery Group), CPS Bedfordshire itself had no structured performance reporting framework in place in 2004-05, and only limited performance information was systematically considered by the management team. Management checks and the

casework quality assurance (CQA) scheme were not embedded into Area activity. Thus, the management of performance generally is more robust in work with criminal justice partners than internally.

The service to victims and witnesses is generally good. The implementation of the No Witness No Justice project, assisted by a good working relationship with the Witness Service, is on target. Full compliance with the requirements of the Direct Communication with Victims scheme is less assured.

Arrangements for the joint management of change with the police are now in place with the creation of the Criminal Justice Programme Board with effect from April 2005. The Area business plan has been aligned to the key national objectives of the CPS, but greater detail as to how objectives will be achieved and wider involvement of staff in the planning process are needed to help ensure successful delivery. Planning of initiatives including co-location of the units and implementation of the shadow charging scheme should have been better planned in order to realise the potential benefits earlier. Other initiatives including No Witness No Justice and action under the Proceeds of Crime Act (POCA) show more successful planning.

Throughout the past two years the Area has maintained a strong focus on its non ring-fenced running costs budget and has performed well in this respect. Higher Court Advocates (HCAs) are deployed well in the Crown Court. Plans are in place to improve the use of Designated Caseworkers (DCWs) in prosecuting in the magistrates' courts, as this has been low in the past.

The Area still needs to do more by way of engaging with the community. Despite a high minority ethnic population in the two main towns, this has not been seen as priority business in the past. This is now an objective for senior managers, although the details lacked clarity.

The overall performance assessment for CPS Bedfordshire is **POOR**.

CRITICAL ASPECTS	Level 1 - POOR
Pre-charge decision-making	1 - Poor
Ensuring successful outcomes	1 - Poor
Leadership	2 - Fair
The service to victims and witnesses	3 - Good
Managing resources	3 - Good
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	2 - Fair
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	2 - Fair
Disclosure	2 - Fair
Presenting and progressing cases at court	3 - Good
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	1 - Poor

OVERALL ASSESSMENT	1 - POOR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

1 - POOR

The implementation of the pre-charge decision-making (PCD) scheme in Bedfordshire had limited positive impact on casework outcomes in 2004-05. The Area had taken the view that its resources did not enable it to put a high priority on the scheme, although that was beginning to change with the move to county wide coverage in recent months. Problems with using the case management system (CMS) were not addressed in a timely and appropriate manner. Monitoring and evaluation of the initiative was limited.

1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- The PCD system has been in operation in Dunstable since 2003, and coverage was extended to Bedford in April 2005 and to Luton in June 2005. The Area is committed to the continuous delivery of the scheme. Timely pre-charge advice and decisions are now usually provided at Dunstable and Bedford, but it was too soon to fully assess the effectiveness of the Luton scheme.

Aspects for improvement

- Consultation has not been taking place in all appropriate cases at Dunstable, and there has been recent communication on this matter between the CPS and the police. Failure to match PCD files with the appropriate charge file was widespread and meant that there was not an effective system to monitor if advice was followed. This was not helped by the police frequently not providing the appropriate Unique Reference Number in the past. This situation has improved in recent months.
- The use of CMS to record accurately the pre-charge files has been weak for a sustained period. The data collated was inaccurate and has not been capable of assisting planning.
- Insufficient emphasis went into planning and evaluation of the PCD processes and outcomes during 2004-05. This will need to be improved to facilitate the move to Statutory Charging, which is scheduled to take place in January 2006.

1B: The Area ensures that all charges advised on are in accordance with the Director's guidance, the Code, charging standards and policy guidelines, and are accurately documented and recorded

- The Area has sufficient lawyers of relevant experience to deal with PCD cases and training plans are in place to develop others to enable wider participation. Over time this should lead to less reliance on TU lawyers to cover charging centres.

Aspects for improvement

- Monitoring of the quality of decisions and appropriateness of files was not sufficiently robust in 2004-05.
- There was not an effective system to monitor PCD files that resulted in a decision of no further action (NFA). The NFA rate in 2004-05 was significantly above the national average. Of the 1,039 cases that were recorded in the shadow charging scheme, 581 were NFA. Police file quality was a contributory factor, but there was decision-making.

1C: The Area is able to demonstrate the benefits of its involvement in pre-charge decision-making

Aspects for improvement

- The data in respect of realising the benefits of PCD is inaccurate and therefore unreliable. Out of more than 1,000 decisions made in 2004-05, only 12 were captured in the benefits realisation measures.
- Area managers need to improve their understanding of performance data in respect of PCD cases. This is linked to a wider need for more effective use of the reporting capabilities of CMS and the associated Management Information System (MIS).
- While accepting that shadow charging has only been in place in part of the county, there has been no improvement in the overall discontinuance rate in Bedfordshire: in fact it increased by 3.3% (from 16.2 to 19.5%) between 2003-04 and 2004-05.
- Whilst there has been some liaison with police on the operation of the scheme, it has not been effective in identifying and resolving problems in a timely manner.
- There is little evidence that the shadow charging scheme made any significant contribution with regard to increasing the number of offenders brought to justice, which is a key aim of the initiative.

2. MANAGING MAGISTRATES' COURTS CASES**2 - FAIR**

The Area was a pilot site for the implementation of ETMP and at the time of our last inspection its implementation was well under way. Progress in the last year has not been smooth as the closure of Luton Magistrates' Court disrupted many existing systems and ETMP was suspended. Despite extensive liaison and analysis of the reasons for the low level of effective trials, the action taken has yet to make a real difference. CMS needs to be used more effectively to manage cases.

2A: The Area ensures that cases progress at each court appearance

- Magistrates' courts cases are routinely reviewed and prepared promptly, follow-up work is undertaken where necessary, and most cases are ready to proceed at each court hearing. Arrangements have been made for defence solicitors to listen to tapes and view videos at court and advance information is provided before the first hearing. Although Case Progression Officers (CPOs) were appointed, they were overwhelmed by the increase in magistrates' courts work and the extra funding for the pilot ceased. The Area tried to cover their work with other staff. The Area anticipated that money would become available for 2005-06 and further recruitment is well underway.
- There is extensive liaison with criminal justice partners at all levels, with regular case progression meetings. Analysis is made of performance and a number of surveys and reviews have been conducted including a Servqual survey to identify the perceived gaps in the provision of service by each agency.
- The persistent young offenders (PYO) target is being met (69 days) albeit that it is not as good as the national average of 67 days. The figures crept up in the period from September 2004 to January 2005, aggravated by a small number of long running cases in the Crown Court, from a good performance for the rest of the year.

Aspects for improvement

- The Area is well aware that poor file endorsements have contributed to poor performance and has taken some steps to improve them.
- There were three wasted costs orders in the magistrates' courts which is just over the national average.

2B: The Area contributes effectively to reducing cracked and ineffective trials

Aspects for improvement

- The Area has not met its target of 23% for ineffective trials. The Area rate (32.7%) is the highest in the country and well above the national average of 24.8%. The breakdown of reasons for ineffective trials shows that the responsibility for the high figure falls to all the agencies and to the defence. The cracked trial rate is 36.8% compared with the national average of 37.1%.
- Extensive analysis of the reasons for ineffective trials is made in joint forums at all levels and a number of surveys and reviews have been conducted with work undertaken to improve the quality of police files. There is little evidence of joint, planned and monitored action to improve those aspects identified in the reviews. The Area analyses its own failures and takes action, but this work has not led to improvement in the year, although there are small signs of improvement from April to June 2005.

2C: The Area demonstrates that CMS contributes to the effective management of cases

Aspects for improvement

- Although the Area's rating for use (including the logging in) of CMS is very slightly above the national average, in reality, staff are not routinely using CMS to record key events in magistrates' courts cases. The full file review was recorded in only 13.7% of all cases and some of these merely refer to the paper file. There was a slight upturn towards the end of the year which, if maintained, will put the Area back on track towards its target. There is limited evidence of its use being monitored and managers have not yet undertaken the specific training for managers. There is little monitoring of outstanding tasks and chasing up where appropriate. The Area has carried out some retraining and improved use is included in the objectives for lawyers.
- Very few additional reports have been created on the system and few Area templates have been added to the system.

3. MANAGING CROWN COURT CASES**3 - GOOD**

The management of cases has shown improvement since the implementation of the ETMP and the establishment of Area CPOs. Considerable constructive work is carried out with criminal justice partners to analyse and improve processes. Confiscation under POCA is jointly well managed. The use and monitoring of CMS could be better.

3A: The Area ensures that cases progress at each court appearance

- Crown Court cases are routinely reviewed and prepared promptly. The Unit Head sees all cases and allocates them to suitably qualified lawyers. Considerable remedial action is often required and lawyers advise and follow up necessary work promptly. The CPOs are effective in their monitoring of outstanding work. Most cases are ready to proceed at each court hearing.
- Most instructions to counsel include an analysis of the issues and acceptability of pleas. They are usually delivered to counsel promptly (in 95.7% of cases compared to a national average of 85%), although there was a dip in timeliness during the year when lawyers were deployed in the charging initiative. The Trials Unit Head monitors the quality of instructions, receiving a copy in all cases.
- There is some liaison with criminal justice partners, and regular case progression meetings, with performance improving as a result. The Area has effective CPOs established under the successful implementation of the ETMP.
- The Area with its criminal justice partners has a clear and comprehensive system for monitoring cases to which POCA applies, supported by a detailed protocol, and has met its target for confiscation orders. There were 13 confiscation orders with a total value of £128,790.
- The target for PYOs is being met and over the year timeliness improved although a small number of cases awaiting sentence in the Crown Court increased the average time taken in the third quarter of the year.
- There were no wasted costs orders in the Crown Court.

3B: The Area contributes effectively to reducing cracked and ineffective trials

- The ineffective trial rate is 15.9% compared with the national average of 15.8% and better than its target of 18%. The cracked trial rate is 36.5% compared with the national average of 39.2%. The Area checks the reasons for cracked and ineffective trials and takes appropriate action. These are due to the prosecution in 8.3% of ineffective trials (compared to a national average of 6.6%) and in 12% of cracked trials (compared to a national average of 15.3%)
- Work has been undertaken with criminal justice partners in this respect, with an analysis of data in the LCJB which also commissioned two detailed reports. Action has been taken and communicated, and performance is improving as a result.
- The monthly case progression meetings are attended by all agencies and include representatives from the defence. Figures and case details are provided before the meetings. Before the meetings, the Area CPO examines the files highlighted and provides a report to the CCP and the court. As a result of this work and work with individual police divisions, the figures have been maintained or show some improvement.

3C: The Area demonstrates that CMS contributes to the effective management of cases

Aspects for improvement

- CMS is used well for the drafting of indictments (93.2%) and it is used for some other actions in the preparation of cases. However, the full file review was recorded in only 13.7% of all cases and some of these merely refer to the paper file. There was an upturn in usage towards the end of the year. Many outstanding actions remain even though the case is long finished. There is limited evidence of its use being monitored and managers have not yet undertaken the training for them. There is little monitoring of outstanding tasks and chasing up where appropriate. The Area has carried out some retraining and improved use is included in the objectives for lawyers.
- Very few additional reports have been created on the system and few Area templates have been added to the system.

4. ENSURING SUCCESSFUL OUTCOMES 1 - POOR

The Area had a disappointing year in 2004-05 in terms of successful case outcomes. Performance fell well short of the Area target and shows decline over previous years. Efforts across the agencies to improve performance have yet to lead to a tangible improvement in results, although recent developments offer scope for more optimism in the future.

4A: The Area is working to increase the number of successful outcomes and reduce the level of attrition after proceedings have commenced

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	19.5%	12.5%
No case to answer	0.4%	0.4%
Dismissed after trial	1.6%	1.5%
Discharged committals	0.4%	0.3%
Overall conviction rate	74.7%	80.8%
Crown Court		
Judge ordered acquittals	17.4%	14.2%
Judge directed acquittals	1.9%	2.0%
Acquittals after trial	8.5%	6.3%
Overall conviction rate	70.4%	75.8%

- Unit Heads do some dip-sampling of discontinuance notices although the level of monitoring has been variable as other issues have taken a higher priority. Discontinuance by new lawyers must be approved by the Unit Heads and, given the number of new lawyers, this means that the Unit Heads see a considerable number of cases.

- Adverse case forms are completed for some categories of unsuccessful outcome and, where completed, the analysis is generally good.
- There have been considerable efforts in jointly evaluating some aspects of unsuccessful outcomes. Discussions have taken place at Joint Performance Meetings, based on a case by case analysis, although much of the evaluation has been prepared by the police. Two wider ranging reviews have been conducted in 2005 with some improvement opportunities identified, both of which need to be worked on in Bedfordshire.
- The national and Area Offences Brought to Justice (OBTJ) targets have just been met following improvement in the last few months of the year.

Aspects for improvement

- There is limited evidence that the Area has contributed to the achievement of the target for OBTJ. However, this target is a shared one, set by reference to the criminal justice areas. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low.
- The Area failed to achieve its target (80%) for successful outcomes. Not only was the outcome at 74.4% well short of the target, but it was also worse than in the previous two years.
- The discontinuance rate (19.5%) in the magistrates' courts cases is the worst in the country and significantly higher than the national average of 12.5%.
- There is little evidence of any systematic assessment of the quality of review and case handling. The CQA system was not a high priority in the Area in 2004-05 and was, to all intents and purposes, suspended for much of the year.

5. HANDLING SENSITIVE CASES AND HATE CRIMES
2 - FAIR

The Area has a champion and specialists for most categories of sensitive cases. They provide good support to staff and carry out a considerable amount of work with other agencies. Flagging of these cases, their monitoring and analysis is patchy and HMCPsi thematic reports are not always taken into account in the development of this work.

5A: The Area identifies and manages sensitive cases effectively

- Sensitive cases include, hate crime (domestic violence, homophobic, racist and religious crimes), child abuse/child witnesses, rape, fatal road traffic offences, issues of local concern, street crime, Anti-Social Behaviour Orders (ASBOs), multi-defendants, linked issues and high profile/media interest cases. The Area has appointed champions and specialists for most of these categories, who disseminate information to prosecutors and caseworkers, and provide some guidance and mentoring and handle cases where appropriate.
- The training programme covers most of the necessary skills for dealing with sensitive cases. Most sensitive cases are handled by prosecutors with the appropriate specialist skills and knowledge.
- Following the identification of particular problems with witnesses in cases of violence, which included hate crimes and domestic violence, a survey was carried out to identify and deal with the issues.

Aspects for improvement

- Sensitive cases are not always flagged up on CMS but recent training on the system has addressed this issue. Although there is some evidence of their review and handling being assessed, this is not regular or undertaken formally. The Head of Unit or specialists are consulted if a charge is to be dropped or substantially reduced.
- The Area is aware of the need to take CPS policies and HMCPsi thematic reviews into account, but may not always be consistent with them, when devising Area practice.
- Racist incident monitoring forms are completed and the Unit Heads see them. However, the Area does not undertake an analysis of hate crimes in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the “hate element” from the offence, although issues, when highlighted, are addressed with individuals.
- Headquarters figures show that no post conviction ASBOs were applied for in Bedfordshire last year, although this appears to be an issue about flagging these cases on the CMS and reporting to headquarters. However, processes and protocols have recently been agreed and most training delivered.

6. CUSTODY TIME LIMITS

2 - FAIR

The Custody Time Limits (CTL) system has been generally satisfactory although the documented procedures are not always followed. The timeliness of updating CMS and unclear file endorsements needs to be improved to make the management of CTLs more efficient.

6A: Area custody time limit systems comply with current CPS guidance and case law

- The Area has a written CTL system, which complies for the most part with national guidance. There were no recorded CTL failures in 2004-05.
- The majority of staff have been trained in both the local system and the relevant law. Training on the efficient use of reports and task lists in CMS was delivered in May 2005.
- The Area has spoken to local courts to gain their involvement in the accurate calculation of the CTL, and in monitoring the expiry dates. Compliance is more consistent in the Crown Court.
- In all five cases examined on site, the expiry dates had been correctly calculated and extensions applied for where appropriate. It was encouraging to see a very clear note from a lawyer reminding the administrative staff that a CTL needed changing to take account of the temporary release from custody of a defendant.

Aspects for improvement

- The system has not been updated for two years, but a review is planned for the autumn of 2005.
- There is little evidence that senior managers were actively involved in the effective functioning of the Area CTL system. Management checks have been intermittent.
- Our examination of files revealed some inconsistency and aspects of processing that did not comply with the Area's documented system. The timely and accurate updating of the CMS system after hearings and the clarity of endorsements with regard to bail/custody status are aspects where greater consistency is required. One of the Crown Court files did not have the appropriate CTL sticker attached, and others were still being monitored after guilty pleas had been entered.

7. DISCLOSURE**2 - FAIR**

Performance in the handling of disclosure material was below the national average in our last cycle of inspections and the Area cannot demonstrate improvement. Most training on the disclosure provisions of the Criminal Justice Act (CJA) 2003 and the Disclosure Manual, although planned, has not yet been delivered. Systematic monitoring was not carried out during the year of our assessment but was resumed from April 2005.

7A: The Area takes steps to ensure that there is compliance with the prosecution's duties of disclosure

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely.
- The Area has appointed a disclosure champion, who undertakes some work in disseminating information to prosecutors and caseworkers, and provides guidance and mentoring. He acts as a conduit for information on disclosure and will deliver training to Area staff and the police.
- Some prosecutors and caseworkers have received limited updating training on disclosure as part of other training sessions. The training programme includes training for all relevant staff by December 2005. A review by the Head of the Trials Unit and the Disclosure Champion is to be carried out to assess any further need.
- Secondary disclosure in the Crown Court was significantly better than the national average in our inspection cycle (70% compared to the national average of 59.4%).

Aspects for improvement

- Performance in the last inspection cycle was below the national average for primary disclosure in the magistrates' courts (36.8% compared to the national average of 71.6%), and in the Crown Court (75% compared to 79.9% nationally). Although we noted in our follow up report in February 2005 that there was some improvement in the endorsement of schedules of unused material, the Area is unable to demonstrate any other improvement.
- Systematic monitoring of the handling of disclosure is not carried out. The CQA scheme was not used in the year 2004-05, but recommenced in April 2005. Unit Heads have monitored performance on an ad hoc basis when conducting their routine casework functions and individual feedback is given but there is no overview of Area performance.

- Some work has been undertaken with the police, but this has not been systematic and the Area is not able to show any resulting improvement in performance. The review of training required will include the needs of police staff.
- The last inspection contained a recommendation about the quality of disclosure, but there is limited evidence of steps having been taken to improve performance since then.

8. THE SERVICE TO VICTIMS AND WITNESSES
3 - GOOD

The service to victims and witnesses is generally good despite the difficulties resulting from the closure of Luton Magistrates' Court for eight months. The Area is working effectively with its criminal justice partners in the implementation of the No Witness No Justice project and the establishment of the Witness Care Units (WCUs) is on target. Speaking Up For Justice (SUFJ) is generally embedded in the Area and there is an effective working relationship with the Witness Service. Full compliance with the requirements of the Direct Communication with Victims (DCV) scheme is less assured.

8A: The needs of victims and witnesses are fully considered and there is timely and appropriate liaison, information and support throughout the prosecution process

- The WCUs under the No Witness No Justice scheme are being implemented in accordance with the delivery plan with most of the deadlines being made within the relevant period. The minimum requirements are being met, but it is too early to say whether the expected benefits are being realised.
- There is clear analysis of cracked and ineffective trial data on an Area and LCJB basis and efforts are being made to secure a reduction in the number of cases which occur as a result of witness issues. Following the identification of particular problems with witnesses in cases of violence, a survey was carried out to identify and deal with the issues.
- Most prosecution advocates and staff introduce themselves and provide information to witnesses at court.
- Liaison with the Witness Service and Victim Support occurs on a regular basis and they have been fully involved in the processes for the establishment of the WCUs. The Area has established a joint WCU in the CJU in Bedford. The CJU in Luton and the TU are in the late stages of development and lessons from the pilot in Bedford have been learnt.

Aspects for improvement

- Compliance with the DCV scheme is not consistent throughout the Area and monitoring systems to ensure that all relevant cases are identified and quality maintained are limited. SUFJ is embedded but applications for special measures may not be made at the earliest opportunity. The Area is making efforts to increase the volume and timeliness of DCV letters. The timeliness of the letters shows steady improvement with a high in March of 58% sent within five days. The Area has set a new target of 65%. Efforts are also being made to improve the timeliness of special measures applications and links have been made with the police specialist units to improve the care of vulnerable and intimidated victims.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

From July 2004 to February 2005 Luton Magistrates' Court was closed for refurbishment. All cases were dealt with at Bedford where there were severe delays and the suspension of some ETMP systems. The Area worked with other agencies to minimise the disruption. Prosecutors usually have sufficient time to prepare cases thoroughly and are of the right calibre for serious and specialised cases. Monitoring of in-house prosecutors is carried out but there is no structured system for monitoring agents and counsel.

9A: The Area ensures that prosecution advocates and staff attend court promptly, are professional, well prepared and contribute to effective case progression

- The Area is among those agencies leading the initiative to improve case progression in court. The Area piloted the ETMP in 2003 and the benefits for case progression were seen in both the magistrates' courts and the Crown Court. The systems were severely affected by the temporary closure of Luton Magistrates Court, but are now being restored.
- Papers are provided to agents, counsel and in-house prosecutors promptly, although there are occasions in Narey cases when advocates are not able to prepare thoroughly for court. Rotas take account of the need for in-house prosecutors to prepare for court and in the Crown Court no more than six cases a day are dealt with by counsel or HCAs to ensure proper attention is given to each case.
- The selection of prosecution advocates for all courts is usually undertaken with full consideration from records of their experience, expertise and qualifications. The HCAs assist in this selection using their knowledge of counsel from observations at court. Suitably trained prosecutors, including experienced agents, cover most specialist courts, particularly the Youth Courts.
- Complaints about prosecutors from other agencies are investigated and action is taken if appropriate.
- Most in-house prosecutors are monitored at least once a year, and feedback is given at the time which leads to improvement in performance and staff development. New staff and those where greater improvement is required are monitored more frequently. In-house prosecutors attend court in good time to ensure the smooth progression of cases, but occasionally agents are late.

Aspects for improvement

- There is no structured monitoring of agents and counsel except for re-grading purposes, although they are regularly seen in all courts and observations on performance are taken into account for selection purposes.
- Training is provided for in-house advocates only, and none is offered for external prosecutors. There is an agents' instruction pack but updates have not been given to agents for some time.

10. DELIVERING CHANGE

2 - FAIR

The Area has determined its key objectives, but is less clear as to how they will be achieved. Planning is variable in the Area with some initiatives planned well and others not so well. The same is true with regard to evaluation. Recognition of the challenge faced by the Area in planning and implementing multiple initiatives has led to the recent formation by the Area and the police of the Criminal Justice Programme Board. On the whole the Area approach to training is positive.

10A: The Area has a clear sense of purpose supported by relevant plans

- The Area has decided that its priorities for 2005-06 will be preparation for the Statutory Charging scheme, and the use of HCAs.
- There is evidence that some planning with criminal justice system partners is successful - the No Witness No Justice scheme and the implementation of POCA being examples.
- The new Area Business Plan (ABP) has been aligned to the 15 key national objectives of the CPS. Area managers or specialists have been allocated lead responsibility for particular aspects within the plan. Wider involvement of other staff in devising the plan would be beneficial.
- Some inter-agency work has been the subject of joint analysis and evaluation, for example work on police file quality and on cracked and ineffective trials.

Aspects for improvement

- While the ABP gives an indication of the objectives in the relevant year, it is often not supported by sufficient detail as to how objectives will be achieved.
- Unit plans have been produced for the current financial year, but they need to be developed to make them effective in managing the successful delivery of Unit and Area objectives and plans.
- The implementation of PCD, has been poorly planned and the on-going evaluation of the implementation of co-location has not been effective in identifying lessons or improvements to this and to other initiatives.

10B: A coherent and co-ordinated change management strategy exists

- Arrangements for managing change have recently been put in place and managed change is beginning for some planned initiatives. The LCJB oversees the delivery of the key initiatives which cover all or most of the agencies in the area. The Area and the police have set up a Criminal Justice Programme Board to drive forward joint issues specific to them on a project basis.
- The Area has a register of the top ten risks to Area progress. Whilst the risks are the same as in 2004-05, there is evidence that the counter-measures and progress have been updated.

Aspects for improvement

- Planning is not always given sufficient priority. Some significant initiatives have been implemented without appropriate plans in place. This approach may explain why expected benefits have not been achieved or identified in some instances.
- Improvements can be made for the identification of appropriate success criteria for initiatives and plans. This is particularly true in respect of the co-location and PCD initiatives mentioned above.
- Evaluation of plans and initiatives needs to be strengthened. For example, PCD was rolled-out across the county without having formally evaluated the progress (or otherwise) at Dunstable, where difficulties are known to have existed.

10C: The Area ensures staff have the skills, knowledge and competences to meet the business need

- The Area has demonstrated a positive commitment to training. Whilst the focus on legal training is strongest, development opportunities are available for all staff.
- Training has been linked to the Area's objectives and in most cases the required training has been delivered or is planned.
- The Area was recently re-assessed and continues to meet the standard for Investors in People (IiP). The report included some positive findings on training and development

Aspects for improvement

- Supplementary local training on CMS was not timely or sufficiently focused and therefore did not lead to effective use of the system in 2004-05. Further work has been undertaken in May 2005, but more needs to be done.

11. MANAGING RESOURCES

3 - GOOD

The Area sets great store in compliance with its administration costs budget, and has performed well in this respect in the past two years. The Area has done well in its deployment of HCAs in the Crown Court and continues to be committed to maximising this opportunity. Low historical deployment of DCWs has been addressed and the outlook is more promising as a result. A lack of effective controls to ensure timely receipt and payment of counsel fees has contributed to a significant overspend on prosecution costs in 2004-05.

11A: The Area seeks to achieve value for money, and operates within budget

- The Area is in the early stages of developing value for money policies, but some clear indications of value for money activity are evidenced.
- Regular financial information is considered by the management team. The Area management has demonstrated that it is willing to make tough decisions in order to ensure the right financial outcomes. In some instances there would be benefit in better evaluation of the softer, non-financial impacts of its decisions.
- Sound resource planning takes place and is a standing agenda item in management meetings. Regular updates on recruitment activity are readily available.
- The Area's budget outturn has been kept within budget by 0.2% of target in each of the last two financial years.

Aspects for improvement

- The Area did not have a system for chasing overdue invoices from chambers, which resulted in a backlog developing. As this has been addressed it has caused a surge in the prosecution costs budget, contributing towards a 37% overspend in 2004-05. An increase in Crown Court cases was also a factor.

11B: The Area has ensured that all staff are deployed efficiently

- The Area makes good use of its HCAs and valuable savings arise as a result. The Area has increased the number of appropriately trained staff and should have seven lawyers qualified as HCAs by the end of the current year. Although the number of sessions to be covered has reduced from previous years, this is due to the need to support the implementation of the PCD initiative. Positive work has taken place in identifying the most suitable work for HCAs to maximise the savings available. The average saving per session of £320 is more than 40% better than the national average.
- There are clear signs of commitment to utilise lawyers and DCWs to greater effect. Revised listing arrangements and an increase in trained staff should bring benefits in the current financial year in terms of DCW court sessions (a target of 9.1% has been set for 2005-06). There were only two DCWs for most of the year 2004-05: a third arrived in February 2005. In the last quarter of the year 2004-05 they covered 5.2% of the court sessions compared with a national average of 9.3%.
- Sick absence is better than the national average at 6.4 days per member of staff over the calendar year 2004.

Aspects for improvement

- The deployment of DCWs was lower than desirable in 2004-05 at 5.1% of available sessions in the magistrates' courts against a national average of 8.3%.
- The Area usage of agents was comparatively high (32.1%) ratio of sessions covered by agents in the magistrates' courts in 2004-05. The Area plans to reduce this as new recruits are able to be deployed more effectively.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

Joint work on the supply and analysis of data is widespread and action on recommendations of reviews has delivered some improvement but has yet to show consistently improved results in some key respects. Internal performance information has not been systematically considered by the Area Management Team (AMT), although some discussion there and on an individual basis has led to some improvements. The understanding and utilisation of the case management information available needs to be improved. Management checks including the CQA system have yet to become embedded into Area activity.

12A: Managers are held accountable for performance

- In some respects the Area has demonstrated a commitment to performance management. Managers could give examples of activities undertaken to try and improve performance. Most of the examples revolved around inter agency issues, but others, such as managing prosecution costs and improving the use of the CMS for full file reviews were specific to CPS.
- Performance appraisals are used to set and monitor personal objectives, which relate effectively to Area plans. The timeliness of completion could be better.

Aspects for improvement

- Some performance data is discussed at AMT and team meetings, but the topics covered are not comprehensive. There was no structured performance reporting framework in 2004-05, although a draft of a prospective report was being worked on at the time of the assessment.
- Although there has been some improvement activity, which has led to improved performance, several areas require continuing attention, notably; unsuccessful outcomes, effective CMS usage, and the realisation of the benefits of PCD.
- Whilst responsibilities for quality assurance are defined, there has been a lack of consistency in carrying out the monitoring and checks.

12B: The Area is committed to managing performance jointly with CJS partners

- The Chief Crown Prosecutor chaired the LCJB until recently when the post was rotated.
- There is demonstrable evidence of the CJS agencies working together to try and improve performance. CPS staff actively participate in the work of the LCJB and in the work of its delivery group in addressing the four headline national targets. The formation of the LCJB Programme Steering Group should reinforce the infrastructure for joint improvement work.
- There is evidence of regular information sharing between the CPS and the police, particularly in respect of discontinued cases and other joint performance management issues. Most of the detailed work is undertaken by the police. There is also some good work between the courts and the CPS in analysing the reasons for cracked and ineffective trials, and with all agencies in managing PYOs.
- The LCJB has commissioned work by an independent academic body to identify gaps in service quality between agencies and partners in the Bedfordshire CJS. This Servqual methodology is owned and actioned by the LCJB delivery group.
- Specific reviews of discontinued cases, with particular emphasis on police file quality and of cases involving violence against individuals, have been undertaken. Some of the recommendations have been taken forward.

Aspects for improvement

- The Area needs to be more successful in translating efforts in examining data into improved performance results. Even where significant energy has been devoted to monitoring performance, some results have remained poor.
- The Area needs to do more in assuring that the anticipated benefits of major initiatives are achieved for example the options/economies of joint working in respect of co-location.

12C: Performance information is accurate, timely, concise and user-friendly

- The Area receives regular information from the LCJB Performance Officer and directly from the police and Courts Service.

Aspects for improvement

- The lack of an Area framework for presentation of Area performance data (which is still in development) inhibits the effective dissemination of internal performance information to staff. Regular performance updates to all staff, produced in an easy-to-digest style would help staff to understand the challenges that the Area faces and its successes.
- Some miscoding in performance indicators, particularly in respect of cases dismissed as no case to answer, has not been satisfactorily resolved.
- The Area needs to improve its understanding and use of the reporting capabilities of the CMS and MIS systems.

12D: Internal systems for ensuring the quality of casework are robust and founded on reliable and accurate analysis

Aspects for improvement

- The national CQA system was in effect suspended throughout 2004-05. There was no other systematic assessment of the quality of casework although the Unit Heads would see the work of their staff in the normal course of their work. Such checks were used to improve performance on an individual basis but could not indicate any trends or more generic problems. CQA has been re-introduced from April 2005.

13. LEADERSHIP
2 - FAIR

Area managers have open relationships with other criminal justice agencies and are involved in, and lead on some aspects of joint working. There is scope for greater involvement of staff in planning initiatives in order to gain a more corporate approach from all levels of staff. Significant effort is put into communication with staff, although unit meetings were irregular during 2004-05.

13A: The management team communicates the vision, values and direction of the Area well

- The CCP was chair of the LCJB and Area managers are fully involved in many inter-agency groups, leading some of them.
- Senior managers take time to make themselves available for staff, by rotating weekly meetings between locations. These management meetings are followed by open discussion with staff in the relevant unit. Also the Area training day was used to highlight the Area's vision and values to all staff in attendance.
- There is good evidence contained in plans and some minutes that indicate managers understand their responsibilities for implementing decisions.
- There is a regular criminal justice newsletter which is circulated by the LCJB. This assists in keeping staff aware of the work and role of other agencies as well as highlighting key joint working opportunities and strategies.
- The Area has developed a Communications and liP action plan in response to feedback from an external assessment. This has led to some improvement.

Aspects for improvement

- Unit meetings were irregular in 2004-05 so diminishing the ability for the corporate agenda to be promulgated.
- The negative comments in the staff survey need to be addressed more systematically so that managers know if improvements have been made.
- Whilst there are reasonable arrangements in place for the management of the Area, there is scope for a more corporate approach in some issues, for example by involving staff in the development of planning so that there is greater ownership of initiatives across all levels of staff.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- Managers have dealt appropriately, including the use of disciplinary procedures, with the small number of occasions where behaviour has fallen below expectations.
- Results from the staff survey indicate that a high proportion of staff believe they are treated with fairness and respect. This is higher than for area staff in general, and higher than the central government benchmark norm. Similarly, staff interviewed for the liP process raised no issues relating to equality of opportunity issues in Bedfordshire.
- The proportion of staff recruited from the black and minority ethnic communities exceeds that within the local working population as a whole.

Aspects for improvement

- Equality and diversity issues are not explicitly mentioned in planning documents and have yet to be embedded in all the work of the Area.

14. SECURING COMMUNITY CONFIDENCE
1 - POOR

Despite a high minority ethnic population in both Luton and Bedford, community engagement has not been a priority for the Area and limited liaison has taken place. The Area's approach has been almost entirely through the work of the LCJB. Managers believe that any improvements that can be made in casework outcomes will have a benefit in terms of securing greater public confidence. There are signs of a slightly more pro-active approach in 2005-06.

14A: The Area is working pro-actively to secure the confidence of the community

- The CCP was recently appointed as chair of the Confidence sub-group of the LCJB. He is also a member of all four local Crime and Disorder Reduction Partnership (CDRP) executives.
- Confidence in the ability of the criminal justice agencies in Bedfordshire in bringing offenders to justice, as measured by the British Crime Survey, is 43% which is 1% above the national average.
- Managers and some staff have personal objectives in respect of community engagement in 2005-06.

Aspects for improvement

- The commitment of the Area or senior managers has not been demonstrated in the past. There is relatively little engagement with a minimal range of groups.
- Community engagement has not been given significant thought, and is not considered to be priority business in Bedfordshire. While some work has been undertaken through the Confidence sub group and by representation on the CDRPs, the Area has still not agreed as to where the focus of its own engagement strategy should be placed. Key groups have not yet been identified.
- There is little evidence that service improvements have been made as a result of consultation with the community. One example was given of the formation of a local practitioners group which provided a forum for consultation.
- Relationships with the media tend to be reactive and evidence of positive coverage is limited.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	No result*	52%	68.8%	No result*	31%	22.7%	No result*
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	No result*	68%	66%	No result*	23%	23.8%	No result*

* No result due to lack of reliable data

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	32.7%	71 days	67 days	69 days

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	74%	39	27%	26	91%	11

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS CHARGED AND SUMMONSED CASES (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	70%	30	69%	35	67%	6

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	15.9%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	26.6%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+10.2%	+11.5%
Number	12,271	12,283

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	36.8%
Primary test in Crown Court	79.9%	75%
Secondary test in Crown Court	59.4%	70.0%
Overall average	70.3%	60.6%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
0.2% underspend	0.2% underspend

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	5.1%	£224	£349	8 days	8.7 days	6.4 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
36%	43%

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